



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN

Docket No: 13277-14
22 January 2015

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 January 2015. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

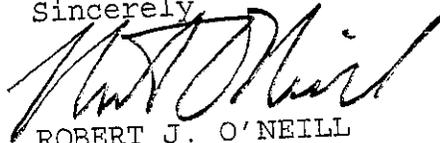
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 20 June 1989. On 18 January 1991, you were convicted by special court-martial (SPCM) of attempting to steal property from the Navy Exchange, five specifications of failing to go to your appointed place of duty, 31 days of unauthorized absence, two specifications of disobedience, two specifications of resisting apprehension, wrongful use of methamphetamine, and assault. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). You received the BCD on 6 March 1992 after appellate review was completed.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your discharge, Certification of Rehabilitation and pardon from the Superior Court of California, and assertion that your post service diagnosed post-traumatic stress disorder (PTSD) contributed to your misconduct while on active duty. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your SPCM conviction of very serious offenses. Regarding your assertion that you were suffering from PTSD when your misconduct occurred, the Board noted that the severity of your misconduct outweighed the mitigations of your post service diagnosed PTSD. Finally, there is no evidence in the record, and you provided none to support your assertion. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



ROBERT J. O'NEILL
Executive Director